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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,817	02/10/2004	David Paul Yach	1578.115 (11428-4-US-PAT)	8167
44208 7590 DOCKET CLERK PO BOX 12608 DALLAS, TX 75225			EXAMINER JOHNSON, JOHNESE T	
			ART UNIT 2166	PAPER NUMBER
			MAIL DATE 11/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/775,817

Applicant(s)

YACH ET AL.

Examiner

Johnese Johnson

Art Unit

2166

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. **AS**

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1, 3-12, 14-18 and 20.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Alwacen Abdel-Jalil
Primary Examiner
Johnese Johnson

Applicant's arguments filed October 19, 2007 have been fully considered but they are not persuasive. Applicant's arguments that the combination of Multer and Cha does not disclose, "the change list creator creates a change list that lists indicia of each change made to one of the databases during a selected time period" and "the change list identifier is assigned to a change list and that the identifier uniquely identifies the first change list from other change lists" is acknowledged but is not deemed persuasive.

The combination of Multer and Cha discloses, "the change list creator", see Multer paragraph [0113] – *the StructuredDelta engine "creates a change list that lists indicia of each change made to one of the databases during a selected time period"*, Multer paragraph [0022], lines 8-9; wherein *generating a change log detailing changes to the subset of the data source on another system is disclosed*. Also in Multer paragraph [0075], lines 11-13, *Each change log (or set of difference information) is a self describing series of sync transactions (during a specific time period)*.

Applicant continues to argue that the combination does not disclose, "the change list identification is communicated over a radio air interface separately from the first change list". This argument is acknowledged but is not persuasive.

Multer discloses, "the change list identification is communicated ... separately" see paragraph [0175], where only the unique ids are obtained. Multer also discloses, "communicat[ion] over a radio air interface", see paragraph [0063], lines 37-41; wherein a user may wish to synchronize his cell phone with services provided by Yahoo!.

As to applicant's argument that the combination does not disclose, "the change list identifier to uniquely identify one change list from another", which the claims also require to have been created at different times and "the change list identifier to be assigned after the receipt of a signal indicating that databases are to be updated", these arguments are acknowledged but not deemed persuasive. Firstly, Cha does disclose "the change list identifier to uniquely identify one change list from another (see paragraph [0035], lines 1-3)" as well as Multer, who discloses "UUIDs" or universally unique ids in paragraph [0079], line 4. Secondly, with respect to "the change list identifier to be assigned after the receipt of a signal indicating that databases are to be updated", if there wasn't any knowledge of updated records then, why would one synchronize? If the mobile is asking or "sending a signal" for updates, and only if there is an update, the server will send a copy. In addition, where is the comparison taking place? Is it at the server or mobile? Lastly, Multer discloses "time stamps" in line 7 of paragraph [0079] in relation to synchronization and log versions.

With respect to applicant's argument that the combination does not disclose "transmission of data between databases in a cell phone and a cell phone network", as stated above, Multer also discloses, "communicat[ion] over a radio air interface", see paragraph [0063], lines 37-41; wherein a user may wish to synchronize his cell phone with services provided by Yahoo!.

In regards to Multer and Cha's enablement, the examiner cannot comment on the enablement of issued patents. The only reason that Cha or Multer is recited is to teach "Mobile" communication.

In regards to "locking modules", the applicant admits the cited art broadly teaches the "locking module" if the apparatus of claim 1 is made of software only then it is taught by Multer and in fact non-statutory under 35 USC 101.